

Board of Registration of Dispensing Opticians

Public Session Minutes

Date: December 2, 2020 Time: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Dispensing Opticians (“the Board”) was held via Videoconference and Conference Call due to the Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

Board Members Present:

Gary Peters
David Fogg
Deanna Kurlowecz
Marty Bregman

Staff Present:

Sheila York, Board Counsel
Jennifer Romeo-Porcaro, Board Counsel
Michael Hawley, Executive Director
Thomas F. Burke, Associate Exec. Director

Members of the Public Present:

Kerri Bosi
Trisha Fike
Brittany McNally
Khanh Nguyen
Zachary Coles
Mary Duggan
Karina Colombo
Anne Marie Mosco
James Morris

Wade Delk
Ahhyee R. Ma
Blair Wong
Cynthia Delzell
Stephen Tierney
Jessica Kelley
Celina Dias Pendexter (DAS)
Laura Lee (DAS)

Meeting called To Order:

- Ms. Kurlowecz called the meeting to order at 10:08 a.m.
- Exit and Evacuation procedures were tabled.

Review Meeting Minutes:

- The review of the minutes of November 4, 2020 Meeting: **Mr. Fogg moved to accept the minutes as amended to include the following statement: “Mr. Fogg moved to deny Mr. Baltadonis’s application. There was no second to that motion.” Mr. Peters seconded. Motion to accept amended minutes passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.**

Board Business:

- **Report from Executive Director, Michael Hawley**
Mr. Hawley reminded all present that the Board will move to electronic renewal and licensure applications in the coming year. Board staff will provide notice to the public of the pending change on the Board’s website.
- **Report from Board Counsel, Sheila York**
Attorney York introduced Jennifer Romeo-Porcaro to the Board, who was appointed counsel to the Board of Dispensing Opticians. Ms. York will continue to work with

Attorney Romeo-Porcaro as she begins her duties. Ms. York reported that she and the Board's Executive Director had a productive meeting with the Commissioner of the Division of Professional Licensure regarding current issues confronted by the DO Board. She expects to provide more details to the Board at a future meeting.

Apprentice Reinstatement Requests

- **Kerri Bosi** – Ms. Bosi met with the Board to request reinstatement of her apprenticeship, which expired in February 2019. Ms. Bosi reported that she did not pass the NCLE in September and is scheduled to take the Massachusetts practical exam in December. She stated that at present she is working and studying for the practical exam.

After discussion, Mr. Fogg moved to allow Ms. Bosi to extend her apprenticeship (or reinstate as appropriate) until the January board meeting, provided that she take the practical exam in December. If Ms. Bosi wants to extend her apprenticeship again, she must appear before the board at the January 2021 meeting. Mr. Peters seconded. The motion passed on a roll call vote: Mr. Peters: "Yes", Mr. Fogg: "Yes", Mr. Bregman: "Yes", Ms. Kurlowecz: "Yes".

- **Trisha Fike** – Ms. Fike appeared before the Board to request reinstatement of her apprenticeship based on the training she received as an apprentice optician. Ms. Fike has passed all required exams and provided a supervision letter from Laurie King to verify apprentice training hours.

After discussion, Mr. Fogg moved to accept Ms. Fike's apprenticeship training and to issue her license to practice opticianry. Mr. Peters seconded. The motion passed on a roll call vote: Mr. Peters: "Yes", Mr. Fogg: "Yes", Mr. Bregman: "Yes", Ms. Kurlowecz: "Yes".

Application Review

At 10:50 a.m., the Board met with four applicants for licensure. Below is a list of the candidates for review and the motion and roll call vote for each:

Khanh Nguyen – Ms. Nguyen answered the Board's questions about the calculation of her training hours. After discussion, Mr. Fogg moved to table Ms. Nguyen's application until the January meeting on the condition that she clarify her training hours and provide additional documentation. Mr. Peters seconded. Motion passed by a roll call vote: Mr. Peters: "Yes", Mr. Fogg: "Yes", Mr. Bregman: "Yes", Ms. Kurlowecz: "Yes".

Cynthia Delzell – Ms. Delzell answered the Board's questions about the calculation of her training hours. After discussion, Mr. Peters moved to table Ms. Delzell's application until the January meeting on the condition that she clarify her training hours and provide additional documentation. Ms. Kurlowecz seconded. Motion

passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Karina Colombo – Ms. Colombo answered the Board’s questions about the quality of her apprenticeship training. After discussion, Mr. Fogg moved to approve Ms. Colombo for licensure. Mr. Peters seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Zachary Coles – Mr. Coles answered the Board’s questions about the calculation of his training hours. After discussion, Mr. Fogg moved to table Mr. Coles’ application until the January meeting on the condition that he clarify his training hours and provide additional documentation. Mr. Bregman seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Discussion:

- **Consumer Fact Sheet** – Tabled.
- **Exam Cost and Availability** – The Board met with James Morris of ABO and Wade Delk of NCSORB to discuss the availability and cost of exam administration in light of restrictions imposed by Covid-19. Both vendors reported that the exams are available daily and costs are unchanged by the current pandemic. In response to Board request for a list of exam candidates, Ms. York asked why the Board needed that information. Board members stated that they could use it to verify whether certain individuals were complying with requirements that they take the examination at certain times. Ms. York advised that she would need to ensure that the list of exam candidates contained only public information before it was discussed by the Board in public session.
- **NCLE Practical Exam** – The Board inquired whether applicants for licensure should be required to take the NCLE practical exam in addition to other required exams. Ms. York responded that the addition of the NCLE practical exam would require a change to current regulations. The Board expressed interest in requiring the NCLE practical to improve standards of practice and ensure greater public safety. No vote was taken.
- **CEPA Agreement** – In response to Board questions, Mr. Hawley stated that although the Board does not approve agreements, CEPA extensions are regularly granted by the Board to students of Ben Franklin Institute of Technology. Blair Wong noted that some students, after completing coursework, require an additional year to study for the NCLE and ABO exams. He stated that the extension provides a meaningful path for students who seek to become professional opticians in Massachusetts. No vote was taken.
- **Process for Filing a Complaint** – Mr. Hawley stated that complaints are received by the office of investigations which then gathers information as to whether a violation of the regulations has occurred. In turn, the office of investigations submits cases to the Board for review in closed session and the Board may vote to dismiss or send the case to

prosecutions. In response to Board inquiry, Mr. Hawley stated that anonymous complaints may be investigated or triaged to a different board or agency that has jurisdiction. The Board reviews cases after investigators have had the opportunity to investigate a complaint or when investigators need the Board's input on whether a complaint is warranted.

- **Supervisor Letter/Form** – The Board discussed how to revise the current supervisor letter to incorporate most recent revisions to the regulations and aid applicants in providing accurate accounting of apprentice training. The Board approved David Fogg to edit the current letter/form and report to the Board.
- **Impact of COVID-19** – No discussion.

Open session for topics not reasonably anticipated 48 hours in advance meeting:

Mr. Peters noted that one of the goals of the meeting with the Commissioner is to strengthen bonds between the Board and the Division of Apprentice Standards (“DAS”). Ms. York will follow up with Mr. Peters to present further information on this topic to the Board.

Cases, Investigative Conference, Settlement Offers [Closed session pursuant to G.L. c. 112 §65C]:

At 12:55 p.m., Ms. Kurlowecz moved to enter into Investigative Conference to discuss open investigative matters. [Closed session pursuant to G.L. c. 112 §65C]. Mr. Fogg seconded the motion. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

At the end of the closed session, the open meeting resumed.

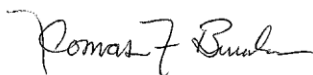
During the closed session, the Board voted to take the following actions:

- DO-2020-000528-IT-ENF – The Board tabled review and invited complainant to meet with the Board in closed session.

Adjournment:

At 2:35 p.m., Mr. Peters moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed unanimously. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Respectfully Submitted,



Thomas F. Burke

Associate Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of December 2, 2020
- Minutes of November 4, 2020 Board meeting
- Apprentice Reinstatement requests for K. Bosi and T. Fike
- Applications for K. Nguyen, C. Delzell, K. Colombo and Z. Coles